

PERSONNEL SERVICE BULLETIN 92-1

To: All City Employees

FROM: Lloyd Rinderer
Personnel Director

DATE: January 27, 1992

SUBJECT: Equal Employment Opportunities/Affirmative Action Statement

It is the policy of the City of Oklahoma City to promote affirmative action and to provide equal employment opportunity to all persons on all matters affecting City employment regardless of race, religion, age, sex, marital status, national origin, handicap, or political affiliation. The City is committed to a policy of nondiscrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against in any manner inconsistent with the Constitution, federal or state statutes, the City Charter, ordinances, resolutions, policies, rules or regulations.

This policy will apply to recruitment, selection, compensation, appointment, promotion, training, educational opportunities, transfers, layoffs, leaves of absences, and discipline.

The City further recognizes that the effective application of a policy of equal employment opportunity involves more than just a statement and will undertake a program to encourage all persons to seek employment and advancement with the City of Oklahoma City.

It is the City's position that all personnel activities will be conducted in a manner to assure equal opportunity for all. The Personnel Department is responsible for the implementation and monitoring of the City's Equal Employment Opportunity and Affirmative Action Programs.

The Personnel Department offers an open door policy for all employees to discuss matters of equal employment opportunity. In addition, the Personnel Department will work with the various collective bargaining units to ensure cooperation in meeting these objectives.

PERSONNEL SERVICE BULLETIN 00-1
(This replaces PSB 92-2)

TO: All City Employees

FROM: Dianna L. Berry *DLB*
Personnel Director

DATE: January 3, 2000

SUBJECT: Policy Prohibiting Discrimination and Sexual Harassment

I. PURPOSE

It is the policy of the City of Oklahoma City to prohibit all forms of illegal discrimination and harassment. This Personnel Service Bulletin will identify procedures for reporting violations and disciplinary consequences for policy violations.

II. STATEMENT OF POLICY

The City is committed to a policy of nondiscrimination. It is the policy of the City of Oklahoma City that no person or employee shall benefit or be discriminated against, in any manner inconsistent with the Constitution, federal or state statutes, the City Charter, ordinances, resolutions, policies, rules or regulations.

It is the policy of the City of Oklahoma City that employment with the City will be free of conduct that is discriminatory, abusive, disorderly, disruptive, or retaliatory. Any employee conduct, whether intentional or unintentional, that results in discrimination or harassment of other employees with regard to race, color, creed, disability, age, religion, sex, national origin, or exercise of a legal right, is strictly prohibited.

III. DISCRIMINATION

Discrimination can occur where decisions regarding hiring, promotion, job assignment, discharge, layoff, discipline, training, compensation, or other terms or conditions of employment, are made based on an individual's race, color, religion, sex, age, disability (mental or physical), or national origin. Employment decisions shall be made on the basis of skill, ability, qualifications and job performance.

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Discrimination may also be found where conduct toward an employee is based upon the employee's membership in a protected class, and is so severe and pervasive, that it interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is a form of discrimination.

There are two legal definitions of sexual harassment:

1. Quid pro quo harassment occurs when unwelcome sexual advances and requests for sexual favors, based upon one's sex, are made either explicitly or implicitly a term or condition of an individual's continued employment; or, a tangible employment action is taken against an employee who refuses unwelcome sexual conduct because of the employee's refusal.
2. Hostile environment harassment occurs when unwelcome verbal or physical conduct of a sexual nature is so severe or pervasive that it unreasonably interferes with a term or condition of employment or creates an intimidating, hostile, or offensive working environment.

Sexual harassment can occur between a supervisor and employee, between employees, and between employees and non-employees (e.g., citizens, contract laborers, vendors, etc.).

Consensual "romantic" or sexual relationships between supervisors and employees they supervise are prohibited. Any supervisor involved in such a relationship with a subordinate is required to immediately report such relationship to the department's Equal Employment Opportunity Officer (EEO Officer), division head, department director, or Labor Relations Division of the Personnel Department. Management reserves the right to terminate the supervisor/subordinate work relationship in any manner, including dismissal of one or both of the employees.

Examples of inappropriate conduct:

1. Unsolicited written, verbal, physical touching or other conduct with sexual overtones:
 - a. Written examples include but are not limited to: suggestive or obscene letters, notes, invitations, e-mail messages.

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- b. Verbal examples include but are not limited to: derogatory comments, slurs, jokes.
 - c. Physical examples include but are not limited to: assault, touching, impeding or blocking movement.
 - d. Other conduct may include but is not limited to: leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.
- 2. Continuing to express social interest after being informed that the interest is unwelcome.
- 3. Making reprisals, threats of reprisal, or implied threats of reprisal against an employee who makes a complaint of discrimination or participates in the investigation of a complaint:
 - a. For example, withholding support for an appointment; denying a promotion; preparing or directing a poor job performance report be prepared that is not indicative of actual performance; or termination.
- 4. Engaging in coercive sexual behavior, which is used in an attempt to control, influence, or affect the career, salary, and/or work environment of another employee.
- 5. Offering favors or employment benefits such as promotions, favorable performance evaluations, favorable job assignments, or compensation, in exchange for sexual favors.
- 6. Use of terms of endearment such as "honey," "sweetheart," "hunk," "baby," "darling," "stud," that a reasonable person would find objectionable; or any term of endearment after being advised the employee finds the term objectionable.

IV. COMPLAINT PROCEDURES

- 1. All Department Directors must designate a primary person(s) to receive and investigate complaints, issue fact-finding reports and act as liaison with the Personnel Department on all EEO matters. All Departments shall insure that

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employees are informed of the designated EEO officer and the procedure for filing a complaint of discrimination or sexual harassment.

2. Any employee who believes he/she has been subjected to any form of discrimination or harassment must immediately report such activity to any of the following: (1) his/her department or division EEO officer; (2) non-involved supervisor; (3) division head; (4) Department Director; or (5) directly to the Labor Relations Division of the Personnel Department.
3. Any supervisor or employee desiring to file a discrimination or harassment complaint directly with the Labor Relations Division may do so by calling (405) 297-2567 twenty-four (24) hours a day, seven (7) days a week.
4. Any EEO officer, supervisor, division head, or Department Director having knowledge of, or information regarding discriminatory or harassing conduct, is required to immediately notify the Labor Relations Division of the Personnel Department regardless of how the information was obtained (e.g. verbal or written complaint, direct observation, overhearing conversations, information from non-involved persons, etc.).
5. A representative of the Labor Relations Division, in conjunction with the department or division EEO Officer, and/or any other appropriate personnel, will immediately initiate a **confidential** investigation, and submit a report containing findings of facts and recommendations for action to the complainant's Department Director and/or the City Manager. This report is considered to be a Personnel Investigation and is **not** subject to the Oklahoma Open Records Act.

Employees conducting the investigation will attempt to protect the privacy of individuals involved and maintain confidentiality. Employees interviewed during the course of an investigation are required to maintain the confidentiality of the investigation.

6. The results of the investigation and the nature of any disciplinary action will be communicated to both the complainant and the person accused of discrimination or sexual harassment by a representative of the Labor Relations Division.

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NOTE: Employees have the right to make a complaint of discrimination or sexual harassment with the State Human Rights Commission, Equal Employment Opportunity Commission, or with a court of law. This policy does not restrict the rights of employees secured by the laws of the State of Oklahoma or the United States.

V. RETALIATION

Retaliation is an adverse employment action, taken by a supervisor against an employee, for bringing a complaint of discrimination or sexual harassment; or for participating in an investigation of discrimination or sexual harassment. **Any such retaliation will be grounds for disciplinary action, up to and including termination.** An adverse employment action includes the act of withholding a favorable employment action if based on discriminatory reasons.

Co-workers are also prohibited from engaging in retaliatory conduct towards an employee who has made a complaint of discrimination or sexual harassment; or for participating in an investigation of discrimination or sexual harassment. **All such conduct will be grounds for disciplinary action, up to and including termination.**

VI. TRAINING

The City of Oklahoma City's Personnel Department offers training on *"Preventing and Stopping Sexual Harassment and Other Forms of Discrimination"* on a quarterly basis. All employees are encouraged to attend the training, and may enroll in the course by contacting the Employee Training and Development Section of the Personnel Department at 297-2418. **Supervisory personnel are required to attend the training on an annual basis.** On-site training is available at the request of the department or division head.

VII. DISCIPLINARY ACTION

Any employee found in violation of this policy, or who provides false information in the complaint or investigation procedures, is subject to disciplinary action. Disciplinary action may include any range of discipline, up to and including termination.

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